

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

1

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

-----:
ALISHA W. WILKES, : Case No. 1:10-cv-01160
 : (CMH-TRJ)
Plaintiff, :
 :
vs. :
 :
EXPERIAN INFORMATION :
SOLUTIONS, INC., et al., : Volume I
 :
Defendants. : (Pages 1 - 141)
-----:

Fairfax, Virginia

Wednesday, May 11, 2011

Videotaped deposition of:

ALISHA WILKES

called for oral examination by counsel for Defendant,
pursuant to notice, at the law offices of John Bazaz,
4000 Legato Road, Suite 1100, Fairfax, Virginia, before
LaQuicia Thomas of Capital Reporting Company, a Notary
Public in and for the Commonwealth of Virginia,
beginning at 11:06 a.m., when were present on behalf of
the respective parties:



Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

2

1 On behalf of the Plaintiff:

2 JOHN C. BAZAZ, ESQUIRE
3 Law Offices of John C. Bazaz, PLC
4 4000 Legato Road, Suite 1100
5 Fairfax, Virginia 22033
6 (703) 272-8455

7 LEONARD ANTHONY BENNETT, ESQUIRE
8 Consumer Litigation Associates, P.C.
9 12515 Warwick Boulevard, Suite 100
10 Newport News, Virginia 23606
11 (757) 930-3660
12 (Appeared Telephonically)

13
14 On behalf of the Defendant,
15 GMAC Mortgage, LLC:

16 JOHN C. LYNCH, ESQUIRE
17 Troutman Sanders, LLP
18 222 Central Park Avenue, Suite 2000
19 Virginia Beach, Virginia 23462
20 (757) 687-7765

21
22 On behalf of the Defendant,
America Funding, Inc.:

23 BRIAN NELSON CASEY, ESQUIRE
24 Taylor & Walker, P.C.
25 555 Main Street
26 P.O. Box 3490
27 Norfolk, Virginia 23514-3490
28 (757) 625-7300

29
30 Also present:

31 Dylan Browne, Video Technician

32 * * * * *

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

		169
1	2009.	14:20:14
2	Q And is it fair to say, in 2009 and	14:20:14
3	2010, you were regularly checking your credit	14:20:18
4	report?	14:20:22
5	A Yes. Pretty regularly.	14:20:22
6	Q Like how often can you recall?	14:20:25
7	A Oh, probably once every other month.	14:20:28
8	Q Okay. That's all I've got with that.	14:20:31
9	MR. LYNCH: Make this Exhibit 15.	14:20:36
10	BY MR. LYNCH:	14:21:47
11	Q Can you identify this document,	14:21:47
12	Ms. Wilkes?	14:21:50
13	A Yes. It's another credit report.	14:21:50
14	Q What's the date of it?	14:21:52
15	A September 13, 2010.	14:21:54
16	Q Would you agree with me that by this	14:21:56
17	time, the GMAC Mortgage account that was	14:22:09
18	incurred as a result of your husband's	14:22:17
19	identity theft had been deleted from your	14:22:22
20	credit report?	14:22:26
21	A No. It's not been deleted. It's	14:22:26
22	still on there.	14:22:29

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

		170
1	Q	Tell me what page you're looking at. 14:22:30
2	A	Page 2. Am I misunderstanding? 14:22:33
3	Q	Do you know if that -- which GMAC 14:22:43
4		account that is, if that was your original 14:22:53
5		GMAC account or if it's the one that was -- 14:22:57
6	A	Well, it says account [REDACTED] I'm not 14:22:59
7		sure which one that is. 14:23:03
8	Q	Let's see. If you want to look back 14:23:09
9		at a previous credit report to compare the 14:23:41
10		account numbers, I think that will help you 14:23:47
11		answer the question. 14:23:51
12	A	It looks like that might be the 14:24:14
13		original one, the first one. 14:24:16
14	Q	That's our understanding. 14:24:17
15	A	Okay, okay. It looks like it might 14:24:20
16		be the original one then. 14:24:22
17	Q	I just wanted to ask you if you had 14:24:22
18		any understanding that the GMAC account that 14:24:25
19		had been fraudulently opened by your husband, 14:24:28
20		that by September of 2010, if not earlier, 14:24:32
21		that had been deleted from your credit report? 14:24:33
22	A	Yes. It appears it was deleted by 14:24:36

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

	171	
1	then.	14:24:39
2	Q And you and I can agree that based	14:24:40
3	on -- looking at -- at September 2010 credit	14:24:43
4	report, that your initial mortgage with GMAC	14:24:46
5	that was entered into in 2005 is still on your	14:24:51
6	credit report showing a zero balance?	14:24:52
7	A Correct.	14:24:54
8	Q Okay. Did you have that	14:24:55
9	understanding back in September of 2010?	14:24:56
10	A I believe I did know by then.	14:24:59
11	Q That you knew the fraudulent GMAC	14:25:02
12	account had been deleted?	14:25:06
13	A It had been -- it -- I knew it had	14:25:09
14	been deleted at that pull. Each time I would	14:25:11
15	pull the credit report, yes, I knew it had	14:25:16
16	been deleted at each specific pull of the	14:25:20
17	credit report.	14:25:25
18	Q So after you received this particular	14:25:25
19	report in September 2010, you knew that GMAC	14:25:28
20	was no longer reporting the second account?	14:25:32
21	A I don't remember specifically looking	14:25:34
22	at it, but if I would have pulled this and	14:25:37

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

		172
1	looked at it, then, yes, I would have had that	14:25:42
2	understanding that GMAC was not reporting in	14:25:43
3	September of 2009.	14:25:47
4	Q '10.	14:25:48
5	A '10. I'm sorry.	14:25:48
6	Q Okay.	14:25:48
7	A September of 2010. Yes.	14:25:49
8	Q So you would agree with me that the	14:25:49
9	time period that we're dealing with, in this	14:25:51
10	case, is after you had the state court trial,	14:25:53
11	GMAC continued to report the	14:25:56
12	fraudulently-opened account from March to	14:25:59
13	either August or September of 2010?	14:26:01
14	A Yes.	14:26:04
15	Q And it's fair to say that --	14:26:06
16	what's -- well, let me ask you, what's the	14:26:15
17	date of that credit report in September of	14:26:18
18	2010?	14:26:22
19	A September 13 --	14:26:22
20	Q Okay.	14:26:22
21	A -- 2010.	14:26:24
22	Q It's fair to say you don't know the	14:26:24

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

	173
1 specific date prior to September 13, 2010,	14:26:27
2 when GMAC deleted that account from your	14:26:30
3 credit report?	14:26:33
4 A I don't.	14:26:34
5 Q So in generalities, we're talking	14:26:35
6 about a six-month period following the trial	14:26:53
7 where you're contending GMAC continued to	14:26:57
8 report the fraudulently-opened account on your	14:27:01
9 credit report?	14:27:06
10 A March, April, May, June, July,	14:27:06
11 August, September. So about seven months.	14:27:07
12 Q But it could be six, based on the	14:27:08
13 fact you don't know exactly when it was	14:27:10
14 deleted?	14:27:13
15 A Yes. I don't know if there is a	14:27:14
16 credit report close to September or not that I	14:27:16
17 could look at, but by September, it was gone,	14:27:18
18 according to this.	14:27:22
19 Q From the -- March 2010 through	14:27:24
20 September 2010, would you agree with me that	14:27:30
21 you were not under the care of any healthcare	14:27:36
22 providers on a regular basis?	14:27:41

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

208

1 foreclosure, repossession, or suit, do you 15:03:29

2 know what that means? 15:03:29

3 A I know what foreclosure is. 15:03:29

4 Garnishment -- I wasn't having anything 15:03:33

5 garnished or attached. I didn't have any -- 15:03:36

6 that doesn't apply to me. Didn't have 15:03:36

7 anything repossessed. Was not involved in any 15:03:40

8 other litigation at that point. So 15:03:43

9 foreclosure is the only one on that list 15:03:50

10 that -- 15:03:52

11 Q When were you foreclosed on? 15:03:52

12 A I wasn't. 15:03:54

13 Q Okay. So you've never -- 15:03:55

14 A But it was listed as -- on -- at 15:03:55

15 different points. Foreclosure was listed 15:03:57

16 under the GMAC account on my credit report, 15:03:57

17 that the house was in foreclosure. 15:04:04

18 Q Have you ever talked with anybody at 15:04:06

19 Precision Funding? 15:04:08

20 A I don't believe so. 15:04:10

21 Q I'm looking at the date. It looks 15:04:17

22 like it was in May of 2010 when it was denied, 15:04:28

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

		209
1	at the bottom.	15:04:32
2	A Okay. Notice was mailed in May.	15:04:37
3	Okay.	15:04:40
4	Q And what date in July did you sell	15:04:41
5	the house?	15:04:43
6	A I don't remember.	15:04:44
7	Q When did you put the house on the	15:04:45
8	market to be sold?	15:04:48
9	A I'm not sure.	15:04:49
10	Q Who was your real estate agent?	15:04:50
11	A Bryan Garcia was his name.	15:04:53
12	Q Did you know when the -- did you have	15:04:57
13	a real estate agent prior to Bryan Garcia?	15:04:57
14	A No.	15:05:01
15	Q And which company does Bryan Garcia	15:05:01
16	work for?	15:05:06
17	A I believe he works for himself.	15:05:06
18	Q Was it called Bryan Garcia Real	15:05:08
19	Estate or --	15:05:14
20	A I don't know. I'm not sure.	15:05:14
21	Q Is he in Fairfax or do you know?	15:05:15
22	A He's in Haymarket.	15:05:17

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

	219	
1	else.	15:14:05
2	MR. LYNCH: I'd ask -- this will be	15:14:07
3	the next exhibit, 20 --	15:14:07
4	MR. BAZAZ: 2.	15:14:07
5	MR. LYNCH: 22.	15:14:07
6	BY MR. LYNCH:	15:14:25
7	Q And how quickly, both with Quicken	15:14:25
8	and Precision, did you get these denial	15:14:29
9	letters after you applied for the loan? Was	15:14:30
10	it usually a week or two?	15:14:34
11	A I don't remember. I'm not sure how	15:14:36
12	quickly they came.	15:14:38
13	Q May 24, 2010, is Exhibit 22, the	15:14:42
14	letter from Quicken?	15:14:48
15	A Yes.	15:14:51
16	Q And it appears that the loan was not	15:14:51
17	approved?	15:14:59
18	A Correct.	15:15:00
19	Q And it appears the reasons were	15:15:01
20	credit history, current/previous slow	15:15:04
21	payments, judgments, liens, or bankruptcy?	15:15:07
22	A Yes.	15:15:13

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

		233
1	jewelry at Zales that you were prevented from	15:28:00
2	getting, based on only getting a \$600 credit	15:28:04
3	limit from Zales?	15:28:08
4	A No.	15:28:10
5	Q Is there a balance on the Zales card	15:28:10
6	today?	15:28:17
7	A No.	15:28:17
8	Q I'm going to make sure I kind of	15:28:19
9	understand the categories of damages that	15:28:26
10	you're claiming in this case. My	15:28:26
11	understanding is from the March through the	15:28:28
12	September time frame, you're claiming	15:28:30
13	emotional distress; is that true?	15:28:32
14	A Yes.	15:28:34
15	Q And my understanding is you're	15:28:35
16	claiming these two credit denials from	15:28:38
17	Precision and Quicken Funding (sic)?	15:28:42
18	A Correct.	15:28:44
19	Q Is there anything specifically	15:28:44
20	relating to the Banana Republic and the Zales	15:28:47
21	credit card that you're claiming as damages in	15:28:52
22	this case?	15:28:54

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

			234
1	A	In that time frame?	15:28:55
2	Q	Yeah.	15:28:56
3	A	No.	15:28:57
4	Q	Are there any other damages that	15:28:58
5		you're claiming in this case, other than	15:29:00
6		emotional distress between March and	15:29:01
7		September of 2010 and the two credit denials?	15:29:04
8	A	Well, there would have been, you	15:29:07
9		know, my lost time --	15:29:16
10	Q	Okay.	15:29:17
11	A	-- while I was dealing with this.	15:29:18
12	Q	How much time would you put on it?	15:29:21
13	A	In that time frame?	15:29:24
14	Q	Yeah. March 2010 to September 2010.	15:29:30
15	A	Probably between 30 and 40 hours.	15:29:35
16	Q	Between March 2010 and	15:29:38
17		September 2010, did you ever come to Northern	15:29:41
18		Virginia?	15:29:46
19	A	I can't remember. March 2010 to	15:29:46
20		September 2010?	15:29:51
21	Q	Yeah.	15:29:53
22	A	Yes.	15:29:54

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

		235
1	Q Was the purpose of that trip anything	15:29:55
2	associated to this case?	15:29:58
3	A No.	15:30:00
4	Q What was the purpose of that trip?	15:30:01
5	A Just a short vacation with my son to	15:30:03
6	visit -- and to visit friends.	15:30:08
7	Q So the 30 to 40 hours isn't related	15:30:09
8	to that trip?	15:30:14
9	A No, no.	15:30:14
10	Q So the 30 to 40 hours is time you	15:30:15
11	spent in Keyser, West Virginia?	15:30:18
12	A Correct.	15:30:20
13	Q So emotional distress from March 2010	15:30:21
14	through September 2010, that's one category,	15:30:28
15	right?	15:30:32
16	A Okay.	15:30:32
17	Q Is that true?	15:30:33
18	A Yes.	15:30:33
19	Q 30 to 40 hours of your time, that's	15:30:34
20	the second category?	15:30:37
21	A Yes. But I would also say I spent a	15:30:38
22	lot of time -- that's time that I probably	15:30:41

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

	236	
1	would have spent actually working on things.	15:30:43
2	But there's also a lot of time -- you know,	15:30:45
3	time when I should have been interacting with	15:30:57
4	my son, talking to my friends that I was	15:30:57
5	distracted, that I was stressed out. You	15:30:57
6	know, there's --	15:31:01
7	Q Isn't that part of the emotional	15:31:01
8	distress, though?	15:31:04
9	A I guess, I guess.	15:31:06
10	-- unquantifiable time that I spent	15:31:07
11	mentally elsewhere.	15:31:11
12	Q So it's emotional distress between	15:31:15
13	March and September 2010, 30 to 40 hours of	15:31:18
14	time with the caveat that there was other time	15:31:22
15	that you might have been distracted or annoyed	15:31:24
16	because of this?	15:31:27
17	A Yes.	15:31:27
18	Q And then the third category is the	15:31:28
19	two credit denials from Quicken and Precision	15:31:31
20	Funding?	15:31:36
21	A Yes.	15:31:36
22	Q Is that it?	15:31:36

Capital Reporting Company
Wilkes, Alisha - Volume I 05-11-2011

		237
1	A Well, it's my understanding that	15:31:39
2	punitive damages are also an issue.	15:31:51
3	Q Okay. Is that it?	15:31:54
4	A That's all I can think of at this	15:32:03
5	time.	15:32:06
6	Q Okay. And the reason I'm asking you	15:32:06
7	this is I represent GMAC, and I want to know	15:32:08
8	what the -- your alleged damages are, and	15:32:12
9	that's the whole reason why we're taking the	15:32:13
10	deposition today. So I just want to be able	15:32:16
11	to put a circle around it. So that's the	15:32:18
12	reason I was asking those questions.	15:32:21
13	A Okay.	15:32:36
14	MR. LYNCH: Ms. Wilkes, at this time,	15:32:36
15	that's all the questions I have. And I really	15:32:39
16	appreciate your time today.	15:32:41
17	THE WITNESS: Thank you.	15:32:43
18	VIDEO TECHNICIAN: Go off the record?	15:32:45
19	MR. LYNCH: Yep.	15:32:45
20	VIDEO TECHNICIAN: The time is 3:34	15:32:46
21	p.m. We're going off the record.	15:32:51
22	(Whereupon, a brief recess was had.)	15:42:03